

Remarks

Applicant thanks the Examiner for his careful review of the application and previous responses.

Claims 1 and 15 have been amended. No new matter has been added.

Rejection of Independent Claims 1 and 15 under 35 U.S.C. §102(b)

Independent claims 1 and 15 were rejected under 35 U.S.C. §102(b) as being anticipated by British Patent No. 1 598 843 ("the British patent"). Applicant respectfully traverses these rejections.

Briefly, Applicant's claimed invention refers to a bag having an interior region that contains seed. The bag has a handle on one side of a vertical centerline and a pouring region on the other side of the centerline. Applicant respectfully points out that independent claims 1 and 15 have been amended to require that the handle be non-rigid.

Applicant respectfully points out that the British patent discloses two bags: a prior art bag, and a bag that is the subject matter of the British patent.

The prior art bag is not described as containing seed. Instead, the prior art bag is described as containing liquid. Thus, the prior art bag does not anticipate claims 1 and 15, which require seed to be packaged within the bag. The prior art bag is described as being particularly suitable for storing milk, and for fitting into a refrigerator. Given this purpose of the bag, it is understandable that one would wish to design such a bag for precise pouring—the bag is intended to contain milk, which is to be poured into a glass. Moreover, one would not be motivated to take the teachings relating to the prior art bag and apply them to a bag containing seed, because a bag containing seed does not have an apparent need for precise pouring (the seed must simply fall upon the ground).

The bag that is the subject matter of the British patent is described as containing rice, as pointed out by the Office Action. However, the handle of the bag that is the subject matter of the British patent is described as being rigid. The claims require a non-rigid handle. Thus, the bag that is the subject matter of the British patent does not anticipate claims 1 and 15. Moreover, one would not be motivated to modify the rigid handles to be non-rigid, because the British patent teaches away from such a modification:

With the bag according to the present invention, oscillation of the bag while the contents are being poured out cannot occur because, on the one hand, as stated above, the assembly comprising the bag and the handle is very rigid . . . Consequently, the liquid contained in the bag is poured out with very great precision, without the user's other hand having to support the bag in the course of this operation.

(emphasis added).

In sum, the British patent does not anticipate claims 1 and 15. The prior art bag taught therein does not contain seed. On the other hand, the bag that is the subject matter of the British patent does not teach the use of a non-rigid handle. For reasons stated above, one would not be motivated to modify either the prior art bag or the bag that is the subject matter of the British patent to arrive at the claimed invention. For these reasons, the Applicant respectfully request reconsideration and withdrawal of the rejection of independent claims 1 and 15 under 35 U.S.C. §102(b).

Rejection of Indepent Claim 1 under 35 U.S.C. §103(a)

Independent claim 1 was rejected under 35 U.S.C. §103(a) as being obvious in view of the British patent and Burbridge. According to the Office Action, Burbridge discloses the claimed invention, except Burbridge discloses a bag containing water instead of seed. According to the Office Action, a bag carrying rice is an equivalent structure to a bag carrying water. Applicant points out that Burbridge discloses a bottle—not a bag, as required by independent claim 1. Therefore, one does arrive at the claimed invention by substituting the rice disclosed in the British patent for the water described in Burbridge (such a combination results in a bottle carrying rice—not a bag containing seed, as required by independent claim 1). Therefore, the Applicant respectfully requests reconsideration and withdrawal of the rejection of independent claim 1 under 35 U.S.C. §103(a).

Rejection of the Dependent Claims

The various rejections of the dependent claims rest upon a common premise: that the British patent anticipates independent claims 1 and 15. This premise has been shown

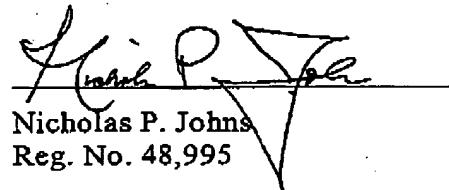
to be incorrect. Therefore, the Applicant respectfully requests reconsideration and withdrawal of the rejections of the dependent claims.

Conclusion

Claims 1-16 remain pending in the application. These claims are believed to be allowable for the reasons set forth above. This amendment is believed to be responsive to all points raised in the Office Action. Accordingly, Applicants respectfully request prompt reconsideration, allowance, and passage of the application to issue. Should the Examiner have any remaining questions or concerns, the Examiner is urged to contact the undersigned by telephone at the number below to expeditiously resolve such concerns.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
612.371.5207


Nicholas P. Johns
Reg. No. 48,995

